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ABSTRACT

Presented is a compilation of The Developmental Disabilities Services and Facilities Construction Act (P.L. 91-517) and its amendment, the Developmentally Disabled Assistance and Bill of Rights Act (P.L. 94-103). The document contains three sections: an index to the developmental disabilities law as amended; the compiled legislation; and the Joint Explanatory Statement of the Committee of Conference of the Congress. The provisions of the law are listed briefly by section number in the index. Included in part II are sections covering the following major areas (sample section topics are in parentheses): general provisions (definitions, employment of handicapped individuals--affirmative action, and protection and advocacy of individual rights); university affiliated facilities (demonstration and training grants, authorization of appropriations, and projects authorized); grants for planning, provision of services, and construction and operation of facilities for the developmentally disabled (state allotments; withholding of payments for planning, construction, administration, and services; and judicial review); special project grants; and additional provisions (studies and recommendations, conforming amendments, and effective date). The explanatory statement in the final section is noted to provide two important insights: how conflicting provisions proposed by the House and Senate were resolved, and what is the intent of Congress in enacting certain provisions. (SBH)

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A COMPILATION OF THE DEVELOPMENTAL DISABILITIES LEGISLATION, 1975

PL 91-517 as amended by PL 94-103

Edited by

Paula Hammer
Gary Richman

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This document has been put together by DD/TAS as part of our continuing technical assistance to Developmental Disabilities Planning Councils for several reasons. The first relates to the evolutionary nature of the legislative process. Laws are made in increments; Congress changes specific pieces of the puzzle in order to affect the entire picture. The newly passed DD Act (PL 94-103) is not the DD program in its entirety. Instead the new law revises, amends, adds to and reorganizes the existing two pieces of legislation. To make a coherent whole of the two requires either considerable leapfrogging back and forth or a lot of cutting and pasting. We've done both and hope to save some duplication of effort by passing our compilation on to you.

The second reason relates to confusion. For example, the title of the new legislation is the "Developmentally Disabled Assistance and Bill of Rights Act"; however, it contains no provision to change the name of PL 91-517, so the compiled law continues to be cited as "The Developmental Disabilities Services and Facilities Construction Act." Additionally, the original format of PL 91-517 bears no resemblance to the format of PL 94-103 and neither resembles the compiled law, PL 91-517 as amended by PL 94-103. All this may sound like criticism of Congress; it is not. Congress has, through the amendments made by PL 94-103, refined and improved the organization of the statute which is clear from the compilation but not from looking at either the old or new law alone.

The third reason for this document is time. There is a strong possibility that the federal government will do a compilation of the DD Act. It is routine procedure. However, as routine procedure it will, in

all likelihood, follow a routine timetable. This compilation can serve the immediate or pressing needs of DD Councils to have in readable form the authorizing legislation for the state-federal DD program.

We have made every attempt to be as accurate, from a legal as well as editorial standpoint, as possible in preparing this document. In that vein we wish to thank especially H. Rutherford Turnbull III of the Institute of Government, University of North Carolina at Chapel Hill for his invaluable assistance.

However, this compilation is intended for convenient reference only and does not have the effect of law. The federal government makes the same disclaimer when it does a compilation.

Finally, this document contains three sections. Section one is an index to the sections of the DD legislation, PL 91-517, as amended, and reorganized by PL 94-103. Section two is the compiled legislation, PL 91-517 as amended by PL 94-103. Section three is the "Joint Explanatory Statement of the Committee of Conference" of the Congress. It provides two important insights: how conflicting provisions proposed by the House and Senate were resolved and, more significantly, what is the intent of Congress in enacting certain provisions.

Our hope, then, is that this document provides you with a clear, concise and timely tool for examining the DD law.

Paula Hammer
Gary Richman

Chapel Hill, North Carolina
December, 1975

Section I

INDEX TO THE DEVELOPMENTAL DISABILITIES LAW AS AMENDED

INDEX TO THE DEVELOPMENTAL DISABILITIES LAW

AS AMENDED BY PL 94-103

This is a listing of the provisions of the Developmental Disabilities Law as reorganized, renumbered, and amended by PL 94-103. The section numbers below refer to PL 91-517 as amended.

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Section 136	Nonduplication
Section 137	State Planning Councils
Section 138	Judicial Review

Part D Sepciai Project Grants

Section 145 Grant Authority

PL 94-103 contains four additional provisions which are not amendments or additions to PL 91-517. The section numbers below refer to PL 94-103.

Section 204	Studies and Recommendations (Quality Standards)
Section 301	Report and Study (The Definition of Developmental Disabilities)
Section 302	Conforming Amendments
Section 303	Effective Date

Section II

COMPILATION OF THE DEVELOPMENTAL DISABILITIES LAW

[*Editor's note: Public Law 91-517 has been amended by Public Law 94-103. The following is a compilation of PL 91-517 as amended and added to by PL 91-103. Portions which have been repealed are omitted from this compilation.*]

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT
PUBLIC LAW 91-517
AS REVISED AND AMENDED BY THE DEVELOPMENTALLY DISABLED ASSISTANCE AND BILL OF RIGHTS ACT.
PUBLIC LAW 94-103
94TH CONGRESS H.R. 4005
OCTOBER 4, 1975

PART A -- GENERAL PROVISIONS

SHORT TITLE

42 USC 6001 note.

SEC. 101. This title may be cited as the 'Developmental Disabilities Services and Facilities Construction Act'.

DEFINITIONS

42 USC 6001.

SEC. 102. For purposes of this title:

(1) The term 'State' includes Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

(2) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.

(3) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which are owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any

private shareholder, or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

(4) The term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

(5) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

(6) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

(7) The term 'developmental disability' means a disability of a person which --

(A) (i) is attributable to mental retardation, cerebral palsy, epilepsy, or autism;

(ii) is attributable to any other condition of a person found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or

(iii) is attributable to dyslexia resulting from a disability described in clause (i) or (ii) of this subparagraph;

(B) originates before such person attains age eighteen;

(C) has continued or can be expected to continue indefinitely; and

(D) constitutes a substantial handicap to such person's ability to function normally in society.

(8) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability; and such term includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective

and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

(9) The term 'satellite center' means an entity which is associated with one or more university affiliated facilities and which functions as a community or regional extension of such university affiliated facilities in the delivery of training, services, and programs to the developmentally disabled and their families, to personnel of State agencies concerned with developmental disabilities, and to others responsible for the care of persons with developmental disabilities.

(10) The term 'university affiliated facility' means a public or nonprofit facility which is associated with, or is an integral part of, a college or university and which aids in demonstrating the provision of specialized services for the diagnosis and treatment of persons with developmental disabilities and which provides education and training (including interdisciplinary training) of personnel needed to render services to persons with developmental disabilities.

(11) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

FEDERAL SHARE

42 USC 6002.
Ante, pp. 486, 489.

SEC. 103.(a) The Federal share of any project to be provided through grants under part B and allotments under part C may not exceed 75 per centum of the necessary cost thereof as determined by the Secretary, except that if the project is located in an urban or rural poverty area, the Federal share may not exceed 90 per centum of the project's necessary costs as so determined.

(b) The non-Federal share of the cost of any project assisted by a grant or allotment under this title may be provided in kind.

(c) For the purpose of determining the Federal share with respect to any project, expenditures on that project by a political subdivision of a State or by a nonprofit private entity shall, subject to such limitations and conditions the Secretary may by regulation prescribe, be deemed to be expenditures by such State in the case of a project under part C or by a university-affiliated facility or a satellite center, as the case may be, in the case of a project assisted under Part B.

STATE CONTROL OF OPERATIONS

42 USC 6003.

SEC. 104. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, mainte-

nance, or operation of any facility for persons with developmental disabilities with respect to which any funds have been or may be expended under this title.

RECORDS AND AUDIT

42 USC 6004.

SEC. 105. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including (1) records which fully disclose (A) the amount and disposition by such recipient of the proceeds of such assistance, (B) the total cost of the project or undertaking in connection with which such assistance is given or used, and (C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and (2) such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

EMPLOYMENT OF HANDICAPPED INDIVIDUALS

42 USC 6005.

SEC. 106. As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified handicapped individuals on the same terms and conditions required with respect to the employment of such individuals by the provisions of the Rehabilitation Act of 1973 which govern employment (1) by State rehabilitation agencies and rehabilitation facilities, and (2) under Federal contracts and subcontracts.

29 USC 701 note.

RECOVERY

42 USC 6006.

Ante, pp. 486, 489.

SEC. 107. If any facility with respect to which funds have been paid under part B or C shall, at any time within twenty years after the completion of construction --

(1) be sold or transferred to any person, agency, or organization which is not a public or nonprofit private entity, or

(2) cease to be a public or other nonprofit facility for persons with developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for persons with developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the

district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment. The Secretary, in accordance with regulations prescribed by him, may, upon finding good cause therefor, release the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for persons with developmental disabilities.

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

SEC. 108. (a) (1) There is established a National Advisory Council on Services and Facilities for the Developmentally Disabled (hereinafter in this section referred to as the 'Council') which shall consist of nine ex officio members and sixteen members appointed by the Secretary. The ex officio members of the Council are the Deputy Commissioner of the Bureau of Education for the Handicapped, the Commissioner of Rehabilitation Services Administration, the Administrator of the Social and Rehabilitation Service, the Director of the National Institute of Child Health and Human Development, the Director of the National Institute of Neurological Disease and Stroke, the Director of the National Institute of Mental Health, and three other representatives of the Department of Health, Education, and Welfare selected by the Secretary. The appointed members of the Council shall be selected from persons who are not full-time employees of the United States and shall be selected without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall be selected from advocates in the field of services to persons with developmental disabilities, including leaders in State or local government, in institutions of higher education, and in organizations which have demonstrated advocacy on behalf of such persons. At least five such members shall be representatives of State or local public or nonprofit private agencies responsible for services to persons with developmental disabilities, and at least five other such members shall be persons with developmental disabilities or the parents or guardians of such persons.

5 USC 101 et. seq.

(2) The Secretary shall from time to time designate one of the appointed members to serve as Chairman of the Council.

(3) The Council shall meet at least twice a year.

5 USC app. I.

(4) The Federal Advisory Committee Act shall not apply with respect to the duration of the Council.

(b) Each appointed member of the Council shall hold for a term of four years. An individual who has served as a member

of the Council may not be reappointed to the Council before two years has expired since the expiration of his last term of office as a member.

(c) It shall be the duty and function of the Council to --

(1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by the Secretary in the implementation of the provisions of this title;

(2) study and evaluate programs authorized by this title to determine their effectiveness in carrying out the purposes for which they were established;

(3) monitor the development and execution of this title and report directly to the Secretary any delay in the rapid execution of this title;

(4) review grants made under this title and advise the Secretary with respect thereto; and

(5) submit to the Congress annually an evaluation of the efficiency of the administration of the provisions of this title.

(d) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as it may require to carry out such functions.

(e) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS-18 of the General Schedule for each day of such service (including travel time), and, while so serving away from their homes or regular places of business, all of the members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

35 F.R. 6247
5 USC 5332 note.
83 Stat. 190

42 USC 6007 note.

[*Editor's note: PL 94-103 further states*, "The amendments made by subsection (a) do not affect the term of office of persons who on the date of the enactment of this Act (PL 94-103) are members of the National Advisory Council on Services and Facilities for the Developmentally Disabled. The Secretary of Health, Education, and Welfare shall make appointments to such Council in accordance with section 108 of the Act as vacancies occur in the membership of such Council on and after the date of the enactment of this Act. The ex officio members prescribed by section 108 of the Act shall take office as of the date of the enactment of this Act."]

REGULATIONS

SEC. 109. The Secretary, as soon as practicable, by general regulations applicable uniformly to all the States, shall prescribe --

(1) the kinds of services which are needed to provide adequate programs for persons with developmental disabilities, the kinds of services which may be provided under a State plan approved under part C, and the categories of persons for whom such services may be provided;

(2) standards as to the scope and quality of services provided for persons with developmental disabilities under a State plan approved under part C;

(3) the general manner in which a State, in carrying out its State plan approved under part C, shall determine priorities for services and facilities based on type of service, categories of persons to be served, and type of disability, with special consideration being given to the needs for such services and facilities in areas of urban and rural poverty; and

(4) general standards of construction and equipment for facilities of different classes and in different types of location.

Regulations of the Secretary shall provide for approval of an application submitted by a State for a project to be completed by two or more political subdivisions, by two or more public or nonprofit private entities, or by any combination of such subdivisions and entities. Within one hundred and eighty days of the date of the enactment of any amendments to this title, the Secretary shall promulgate such regulations as may be required for implementation of such amendments.

EVALUATION SYSTEM

42 USC 6009.

SEC. 110. (a) The Secretary, in consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled, shall within two years of the date of the enactment of the Developmentally Disabled Assistance and Bill of Rights Act develop a comprehensive system for the evaluation of services provided to persons with developmental disabilities through programs (including residential and non-residential programs) assisted under this title. Within six months after the development of such a system, the Secretary shall require, as a condition to the receipt of assistance under this title, that each State submit to the Secretary, in such form and manner as he shall prescribe, a time-phased plan for the implementation of such a system. Within two years after the date of the development of such a system, the Secretary shall require, as a condition to the receipt of assistance under this title, that each State provide assurances satisfactory to the Secretary that the State is using such a system.

(b) The evaluation system to be developed under subsection (a) shall --

(1) provide objective measures of the developmental progress of persons with developmental disabilities using data obtained from individualized habilitation plans as required under section 112 or other comparable individual data;

Post, p. 503.

(2) provide a method of evaluating programs providing services for persons with developmental disabilities which method uses the measures referred to in paragraph (1); and

(3) provide effective measures to protect the confidentiality of records of, and information describing, persons with developmental disabilities.

(c) Not later than two years after the date of the Developmentally Disabled Assistance and Bill of Rights Act, the Secretary shall submit to the Congress a report on the evaluation system developed pursuant to subsection (a). Such report shall include an estimate of the costs to the Federal Government and the States of developing and implementing such a system.

(d) The Secretary, in consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled, may make grants to public and private nonprofit entities and may enter into contracts with individuals and public and nonprofit private entities to assist in developing the evaluation to be developed under subsection (a), except that such a grant or contract may not be entered into with entities or individuals who have any financial or other direct interest in any of the programs to be evaluated under such a system. Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

RIGHTS OF THE DEVELOPMENTALLY DISABLED

42 USC 6010.

SEC. 111. Congress makes the following findings respecting the rights of persons with developmental disabilities:

(1) Persons with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities.

(2) The treatment, services, and habilitation for a person with developmental disabilities should be designed to maximize the developmental potential of the person and should be provided in the setting that is least restrictive of the person's personal liberty.

(3) The Federal Government and the States both have an obligation to assure that public funds are not provided to any institutional or other residential program for persons with developmental disabilities that --

(A) does not provide treatment, services, and habilitation which is appropriate to the needs of such persons; or

(B) does not meet the following minimum standards:

(i) Provision of a nourishing, well-balanced daily diet to the persons with developmental disabilities being served by the program.

(ii) Provision to such persons of appropriate and sufficient medical and dental services.

(iii) Prohibition of the use of physical restraint on such persons unless absolutely necessary and prohibition of the use of such restraint as a punishment or as a substitute for a habilitation program.

(iv) Prohibition on the excessive use of chemical restraints on such persons and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such persons.

(v) Permission for close relatives of such persons to visit them at reasonable hours without prior notice.

(vi) Compliance with adequate fire and safety standards as may be promulgated by the Secretary.

(4) All programs for persons with developmental disabilities should meet standards which are designed to assure the most favorable possible outcome for those served, and --

(A) in the case of residential programs serving persons in need of comprehensive health-related, habilitative, or rehabilitative services, which are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded promulgated in regulations of the Secretary on January 17, 1974 (39 Fed. Reg. pt. II), as appropriate when taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

(B) in the case of other residential programs for persons with developmental disabilities, which assure that care is appropriate to the needs of the persons being served by such programs, assure that the persons admitted to facilities of such programs are persons whose needs can be met through services provided by such facilities, and assure that the facilities under such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

(C) in the case of nonresidential programs, which assure the care provided by such programs is appropriate to the persons served by the programs.

HABILITATION PLANS

42 USC 6011. Ante, p. 489.

SEC. 112. (a) The Secretary shall require as a condition to a State's receiving an allotment under part C after September 30, 1976, that the State provide the Secretary satisfactory assurances that each program (including programs of any agency, facility, or project) which receives funds from the State's allotment under such part (1) has in effect for each developmentally disabled person who receives services from or under the program a habilitation plan meeting the requirements of subsection (b), and (2) provides for an annual review, in accordance with subsection (c), of each such plan.

(b) A habilitation plan for a person with developmental disabilities shall meet the following requirements:

(1) The plan shall be in writing.

(2) The plan shall be developed jointly by (A) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the person for whom the plan is established, (B) such person, and (C) where appropriate, such person's parents or guardian or other representative.

(3) Such plan shall contain a statement of the long-term habilitation goals for the person and the intermediate habilitation objectives relating to the attainments of such goals. Such objectives shall be stated specifically and in sequence and shall be expressed in behavioral or other terms that provide measurable indices of progress. The plan shall (A) describe how the objectives will be achieved and the barriers that might interfere with the achievement of them, (B) state an objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (C) provide for a program coordinator who will be responsible for the implementation of the plan.

(4) The plan shall contain a statement (in readily understandable form) of specific habilitation services to be provided, shall identify each agency which will deliver such services, shall describe the personnel (and their qualifications) necessary for the provision of such services, and shall specify the date of the initiation of each service to be provided and the anticipated duration of each such service.

(5) The plan shall specify the role and objectives of all parties to the implementation of the plan.

(c) Each habilitation plan shall be reviewed at least annually by the agency primarily responsible for the delivery of

services to the person for whom the plan was established or responsible for the coordination of the delivery of services to such person. In the course of the review, such person and the person's parents or guardian or other representative shall be given an opportunity to review such plan and to participate in its revision.

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

42 USC 6012. Ante, p. 489.

SEC. 113. (a) The Secretary shall require as a condition to a State receiving an allotment under part C for a fiscal year ending before October 1, 1977, that the State provide the Secretary satisfactory assurances that not later than such date (1) the State will have in effect a system to protect and advocate the rights of persons with developmental disabilities, and (2) such system will (A) have the authority to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of such persons who are receiving treatment, services, or habilitation within the State, and (B) be independent of any State agency which provides treatment, services, or habilitation to persons with developmental disabilities. The Secretary may not make an allotment under part C to a State for a fiscal year beginning after September 30, 1977, unless the State has in effect a system described in the preceding sentence.

(b) (1) To assist States in meeting the requirements of subsection (a), the Secretary shall allot to the States the sums appropriated under paragraph (2). Such allotments shall be made in accordance with subsections (a) (1) (A) and (d) of section 132.

42 USC 6062.

(2) For allotments under paragraph (1), there are authorized to be appropriated $3,000,000 for fiscal year 1976, $3,000,000 for fiscal year 1977, and $3,000,000 for fiscal year 1978.

PART B — UNIVERSITY AFFILIATED FACILITIES

SUBPART 1 -- DEMONSTRATION AND TRAINING GRANTS

GRANT AUTHORITY

42 USC 6031.

SEC. 121. (a) (1) From appropriations under section 123, the Secretary shall make grants to university affiliated facilities to assist them in meeting the cost of administering and operating --

(A) demonstration facilities for the provision of services for persons with developmental disabilities, and

(B) interdisciplinary training programs for personnel needed to render specialized services for persons with

developmental disabilities.

(2) A university affiliated facility which has received a grant under paragraph (1) may apply to the Secretary for an increase in the amount of its grant under such paragraph to assist it in meeting the cost of conducting a feasibility study of the ways in which it, singly or jointly with other university affiliated facilities which have received a grant under paragraph (1), can establish and operate one or more satellite centers which would be located in areas not served by a university affiliated facility and which would provide, in coordination with demonstration facilities and training programs for which a grant was made under paragraph (1), services for persons with developmental disabilities. If the Secretary approves an application of a university affiliated facility under this paragraph for such a study, the Secretary may for such study increase the amount of the facility's grant under paragraph (1) by an amount not to exceed $25,000. Such a study shall be carried out in consultation with the State Planning Council for the State in which the facility is located and where the satellite center would be established.

(b) The Secretary may make grants to pay part of the costs of establishing satellite centers and may make grants to satellite centers to pay part of their administration and operation costs. The Secretary may approve an application for a grant under this subsection only if the feasibility of establishing or operating the satellite center for which the grant is applied for has been established by a study assisted under subsection (a) (2).

APPLICATIONS

42 USC 6032.

SEC. 122. (a) No grant may be made under section 121 unless an application therefor is submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require. Such an application may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the making of the grant applied for will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which funds would (except for such grant) be available to the applicant, but that such grant will be used to supplement, and, to the extent practicable, to increase the level of such funds.

(b) The Secretary shall give special consideration to applications for grants under section 121(a) for programs which demonstrate an ability and commitment to provide within a community rather than in an institution services for persons with developmental disabilities.

AUTHORIZATION OF APPROPRIATIONS

42 USC 6033.

SEC. 123. (a) For the purpose of making grants under section 121 there are authorized to be appropriated $15,000,000 for fiscal year 1976, $18,000,000 for fiscal year 1977, and $21,000,000 for fiscal year 1978.

(b) (1) Of the sums appropriated under subsection (a) for fiscal years 1976 and 1977, not less than $5,000,000 shall be made available for grants in each such fiscal year under section 121(a)(1). The remainder of the sums appropriated for such fiscal years shall be made available as follows:

(A) First, $750,000 shall be made available in each such fiscal year for studies described in section 121(a)(2). The portion of such $750,000 not required for such studies shall be made available for grants under section 121(a)(1).

(B) Second, any remaining sums shall be made available as the Secretary determines except that at least 40 per centum of such sums shall be made available for grants under section 121(b).

(2) Of the sums appropriated under subsection (a) for fiscal year 1978, not less than $5,500,000 shall be made available for grants in such fiscal year under section 121(a)(1). The remainder of the sums appropriated for such fiscal year shall be made available as the Secretary determines except that at least 40 per centum of the remainder shall be made available for grants under section 121(b).

SUBPART 2 -- CONSTRUCTION

PROJECTS AUTHORIZED

42 USC 6041.

SEC. 125. The Secretary may make grants --

(1) to university affiliated facilities to assist them in meeting the costs of the renovation or modernization of buildings which are being used in connection with an activity assisted by a grant under section 121(a); and

(2) to university affiliated facilities for the construction, renovation, or modernization of buildings to be used as satellite centers.

APPLICATIONS

42 USC 6042.

SEC. 126. No grant may be made under section 125 unless an application therefor is submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require. Such an application may be approved by the Secretary only if it contains or is supported by reasonable assurances that --

(1) the plans and specifications for the project to be assisted by the grant applied for are in accord with regulations prescribed by the Secretary under section 109;

Post, p. 500.

(2) title to the site for such project is or will be vested in the applicant or in the case of a grant for a satellite center, in a public or other nonprofit entity which is to operate the center;

(3) adequate financial support will be available for completion of the construction, renovation, or modernization of the project and for its maintenance and operation when completed;

(4) all laborers and mechanics employed by contractors or subcontractors in the performance of work on the project will be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a--276a-5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 267c); and

40 USC 276a note.

(5) the building which will be constructed, renovated, or modernized with the grant applied for will meet standards adopted pursuant to the Act of August 12, 1968 (42 U.S.C. 4151-4156) (known as the Architectural Barriers Act of 1968).

AUTHORIZATION OF APPROPRIATIONS

42 USC 6043.

SEC. 127. For the purpose of making payments under grants under section 125, there are authorized to be appropriated $3,000,000 for fiscal year 1976, $3,000,000 for fiscal year 1977, and $3,000,000 for fiscal year 1978.

PART C — GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION AND OPERATION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

AUTHORIZATION OF APPROPRIATIONS FOR ALLOTMENTS

42 USC 6061.

SEC. 131. For allotments under section 132, there are authorized to be appropriated $40,000,000 for fiscal year 1976, $50,000,000 for fiscal year 1977, and $60,000,000 for fiscal year 1978.

STATE ALLOTMENTS

SEC. 132. (a) (1) (A) In each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 131 among the States on the basis of --

Infra.

(i) the population,

(ii) the extent of need for services and facilities for persons with developmental disabilities, and

(iii) the financial need,

of the respective States. Sums allotted to the States under this section shall be used in accordance with approved State plans under section 134 for the provision under such plans of services and facilities for persons with developmental disabilities.

42 USC 6063.

(B) (i) Except as provided by clause (ii) --

(I) the allotment of the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands under subparagraph (A) of this paragraph in any fiscal year shall not be less than $50,000; and

(II) the allotment of each other State in any fiscal year shall not be less than the greater of $150,000, or the amount of the allotment (determined without regard to subsection (d)) received by the State for the fiscal year ending June 30, 1974.

(ii) If the amount appropriated under section 131 for any fiscal year exceeds $50,000,000, the minimum allotment of a State for such fiscal year shall be increased by an amount which bears the same ratio to the amount determined for such State under clause (i) as the difference between the amount so appropriated and the amount authorized to be appropriated for such fiscal year bears to $50,000,000.

(2) In determining, for purposes of paragraph (1) (A) (ii), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 133 (b) (5), in the State plan of such State approved under section 133.

Post, p. 490.

(3) Sums allotted to a State in a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted to such State in such next fiscal year; except that if the maximum amount which may be specified for construction (pursuant to section 133 (b) (15)) for a year plus any part of the amount so specified pursuant to such section for the preceding fiscal year and remaining unobligated at the end of such fiscal year is not sufficient to pay the Federal share of the cost of construction of a specific facility included in the construction program of the State developed pursuant to section 133 (b) (13), the amount specified pursuant to section 133 (b) (15)

Post, p. 490.

for such preceding year shall remain available for a second additional year for the purpose of paying the Federal share of the cost of construction of such facility.

(4) Of the amount allotted to any State under paragraph (1) for fiscal year 1976, not less than 10 per centum of that allotment shall be used by such State, in accordance with the plan submitted pursuant to section 133 (b) (20), for the purpose of assisting it in developing and implementing plans designed to eliminate inappropriate placement in institutions of persons with developmental disabilities; and of the amount allotted to any State under paragraph (1) for each succeeding fiscal year, not less than 30 per centum of that allotment shall be used by such State for such purpose.

Post, p. 491.

(b) Whenever the State plan approved in accordance with section 133 provides for participation of more than one State agency in administering or supervising the administration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of the State plan. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of the State plan will receive proportionate benefit from the combination.

(c) Whenever the State plan approved in accordance with section 133 provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined in accordance with the agreements between the agencies involved.

(d) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix (but not earlier than thirty days after he has published notice of his intention to make such reallotment in the Federal Register), to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

STATE PLANS

SEC. 133. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

(b) In order to be approved by the Secretary under this section, a State plan for the provision of services and facilities for persons with developmental disabilities must --

(1) designate (A) a State Planning Council as prescribed by section 137, to be responsible for submitting revisions of the State plan and transmitting such reports as may be required by the Secretary; (B) except as provided in clause (C), the State agency or agencies which shall administer or supervise the administration of the State plan and, if there is more than one such agency, the portion of such plan which each will administer (or the portion the administration of which each will supervise); and (C) a single State agency as the sole agency for administering or supervising the administration of grants for construction under the State plan, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

(2) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for Federally assisted State programs as may be specified by the Secretary, but in any case including education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 132 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities which are eligible for Federal assistance under such other State programs;

(3) set forth priorities, policies, and procedures for the expenditure of funds under the plan, which, in the judgment of the Secretary, are designed to assure effective continuing State planning, evaluation, and delivery of services (both public and private) for persons with developmental disabilities;

(4) contain or be supported by assurances satisfactory to the Secretary that (A) the funds paid to the State under section 132 will be used to make a significant contribution toward strengthening services for persons with developmental disabilities in the various political subdivisions of the State in order to improve the quality, scope, and extent of such services; (B) part of such funds will be made available to other public or nonprofit private agencies, institutions, and organizations;

(C) such funds will be used to supplement and, to the extent practicable, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant such non-Federal funds; and (D) there will be reasonable State financial participation in the cost of carrying out the State plan;

(5) describe the quality, extent, and scope of treatment, services, and habilitation being provided or to be provided in implementing the State plan to persons with developmental disabilities;

(6) provide that services and facilities furnished under the plan for persons with developmental disabilities will be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services and the maintenance and operation of such facilities, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

(7) include provisions, meeting such requirements as the United States Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis;

(8) provide that the State Planning Council be adequately staffed and identify the staff assigned to the Council;

(9) provide that the State Planning Council will from time to time, but not less often than annually, review and evaluate its State plan approved under this section and submit appropriate modifications to the Secretary;

(10) provide that the State agencies designated pursuant to paragraph (1) will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

(11) provide that special financial and technical assistance shall be given to areas of urban or rural poverty in providing services and facilities for persons with developmental disabilities who are residents of such areas;

(12) describe the methods to be used to assess the effectiveness and accomplishments of the State in meeting the needs of persons with developmental disabilities in the State;

(13) provide for the development of a program of construction of facilities for the provision of services for persons with developmental disabilities which (A) is based on a statewide inventory of existing facilities and

survey of need; and (B) meets the requirements prescribed by the Secretary for furnishing needed services to persons unable to pay therefor;

(14) set forth the relative need, determined in accordance with regulations prescribed by the Secretary, for the several projects included in the construction program referred to in paragraph (13), assign priority to the construction of projects, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need, and require that construction of projects be done in accordance with standards prescribed by the Secretary pursuant to the Act of August 12, 1968 (42 U.S.C. 4151-4156) (known as the Architectural Barriers Act of 1968);

(15) specify the per centum of the State's allotment (under section 132) for any year which is to be devoted to construction of facilities, which per centum shall be not more than 10 per centum of the State's allotment or such lesser per centum as the Secretary may from time to time prescribe;

(16) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

(17) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part;

(18) provide reasonable assurance that adequate financial support will be available to complete the construction of, and to maintain and operate when such construction is completed, any facility, the construction of which is assisted with sums allotted under section 132;

42 USC 6062.

(19) provide reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project assisted with sums allotted under section 132 will be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a--276a-5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

(20) contain a plan designed (A) to eliminate inappropriate placement in institutions of persons with developmental disabilities, and (B) to improve the quality of care and the state of surroundings of persons for whom institutional care is appropriate;

(21) provide for the early screening, diagnosis, and evaluation (including maternal care, developmental screening, home care, infant and preschool stimulation programs, and parent counseling and training) of developmentally disabled infants and preschool children, particularly those with multiple handicaps;

(22) provide for counseling, program coordination, follow-along services, protective services, and personal advocacy on behalf of developmentally disabled adults;

(23) support the establishment of community programs as alternatives to institutionalization and support such programs which are designed to provide services for the care and habilitation of persons with developmental disabilities, and which utilize, to the maximum extent feasible, the resources and personnel in related community programs to assure full coordination with such programs and to assure the provision of appropriate supplemental health, educational, or social services for persons with developmental disabilities;

(24) contain or be supported by assurances satisfactory to the Secretary that the human rights of all persons with developmental disabilities (especially those without familial protection) who are receiving treatment, services, or habilitation under programs assisted under this title will be protected;

(25) provide for a design for implementation which shall include details on the methodology of implementation of the State plan, priorities for spending of funds provided under this part, a detailed plan for the use of such funds, specific objectives to be achieved under the State plan, a listing of the programs and resources to be used to meet such objectives, and a method for periodic evaluation of the design's effectiveness in meeting such objectives;

(26) provide for the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 (Public Law 93-113) and other appropriate voluntary organizations except that volunteer services shall supplement, but shall not be in lieu of, services of paid employees;

42 USC 4951 note.

(27) provide for the implementation of an evaluation system in accordance with the system developed under section 110;

(28) provide, to the maximum extent feasible, an opportunity for prior review and comment by the State Planning Council of all State plans of the State which relate to programs affecting persons with developmental disabilities;

(29) provide for fair and equitable arrangements (as determined by the Secretary after consultation with the

Secretary of Labor) to protect the interests of employees affected by actions to carry out the plan described in paragraph (20) (A), including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees where necessary and arrangements under which maximum efforts will be made to guarantee the employment of such employees; and

(30) contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

(d) (1) At the request of any State, a portion of any allotment or allotments of such State under this part for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the State plan approved under this section; except that not more than 5 per centum of the total allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for such purpose. Payments under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from the State sources for such year for administration of the State plan approved under this section not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1975.

PAYMENTS TO THE STATES FOR PLANNING, CONSTRUCTION, ADMINISTRATION AND SERVICES

SEC. 134. (a) From each State's allotments for a fiscal year under section 132, the State shall be paid the Federal share of the expenditures, other than expenditures for construction, incurred during such year under its State plan approved under this part. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend under the State plan, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments under this section.

(b) (1) Upon certification to the Secretary by the State agency, designated pursuant to section 133 (b) (1), based upon inspection by it, that work has been performed upon a con-

Ante, p. 490.

struction project, or purchases have been made for such project, in accordance with the approved plans and specifications and that payment of an installment is due to the applicant, such installment shall be paid to the State with respect to such project, from the applicable allotment of such State, except that (A) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (B) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to section 135, payment may, after he has given the State agency so designated notice of opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (C) the total of payments under this subsection with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

Ante, p. 492.

(2) In case the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such revision is approved.

WITHHOLDING OF PAYMENTS FOR PLANNING, CONSTRUCTION, ADMINISTRATION, AND SERVICES.

SEC. 135. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State Planning Council and the appropriate State agency, designated pursuant to section 133 (b) (1) finds that --

(1) there is a failure to comply substantially with any of the provisions required by section 133 to be included in the State plan; or

(2) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part,

the Secretary shall notify such State Council and agency or agencies that further payments will not be made to the State under section 132 (or, in his discretion, that further payments will not be made to the State under section 132 for activities in which there is such failure), until he is satisfied that there will no longer be such failure. Until he is so satisfied, the Secretary shall make no further payment to the State under section 132, or shall limit further payment under section 132 to such State to activities in which there is no such failure.

(b) The State Planning Council of a State shall review the State's plan (including the design for implementation of such plan) under section 133 and the actions of the State under such plan for the purpose of determining if the State is complying with the requirements of the plan (and its design

42 USC 6063.

for implementation). For the purpose of assisting the Secretary in the implementation of this section, a State Planning Council may notify the Secretary of the results of any review carried out under this subsection.

NONDUPLICATION

42 USC 6066. SEC. 136. In determining the amount of any State's Federal share of the expenditures incurred by it under a State
42 USC 6063. plan approved under section 133, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than
42 USC 6062. section 132, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

STATE PLANNING COUNCILS

42 USC 6067. SEC. 137. (a) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for persons with developmental disabilities. The members of a State's State Planning Council shall be appointed by the Governor of such State. Each State Planning Council shall at all times include in its membership representatives of the principal State agencies, local agencies, and nongovernmental agencies, and groups concerned with services to persons with developmental disabilities. At least one-third of the membership of such a Council shall consist of persons with developmental disabilities, or their parents or guardians, who are not officers of any entity, or employees of any State agency or of any other entity, which receives funds or provides services under this part.

(b) The State Planning Council shall --

(1) supervise the development of and approve the State plan required by this part;

(2) monitor and evaluate the implementation of such State plan;

(3) to the maximum extent feasible, review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities, and

(4) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably request.

(c) Each State receiving assistance under this part shall provide for the assignment to its State Planning Council of personnel adequate to insure that the Council has the capacity to fulfill its responsibilities under subsection (b).

JUDICIAL REVIEW

42 USC 6068.
42 USC 6063; ante, p. 492.

SEC. 138. If any State is dissatisfied with the Secretary's action under section 133 (c) or section 135, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of the fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

PART D — SPECIAL PROJECT GRANTS

GRANT AUTHORITY

42 USC 6081.

SEC. 145. (a) The Secretary, after consultation with the National Advisory Council on Services and Facilities to the Developmentally Disabled, may make project grants to public or nonprofit private entities for --

(1) demonstrations (and research and evaluation in connection therewith) for establishing programs which hold promise of expanding or otherwise improving services to persons with developmental disabilities (especially those who are disadvantaged or multihandicapped), including programs for parent counseling and training, early screening and intervention, infant and preschool children, seizure control systems, legal advocacy, and community

based counseling, care, housing, and other services or systems necessary to maintain a person with developmental disabilities in the community;

(2) public awareness and public education programs to assist in the elimination of social, attitudinal, and environmental barriers confronted by persons with developmental disabilities;

(3) coordinating and using all available community resources in meeting the needs of persons with developmental disabilities (especially those from disadvantaged backgrounds);

(4) demonstrations of the provision of services to persons with developmental disabilities who are also disadvantaged because of their economic status;

(5) technical assistance relating to services and facilities for persons with developmental disabilities, including assistance in State and local planning or administration respecting such services and facilities;

(6) training of specialized personnel needed for the provision of services for persons with developmental disabilities or for research directly related to such training;

(7) developing or demonstrating new or improved techniques for the provision of services to persons with developmental disabilities (including model integrated service projects);

(8) gathering and disseminating information relating to developmental disabilities; and

(9) improving the quality of services provided in and the administration of programs for such persons.

Application.

(b) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless the State in which the applicant's project will be conducted has a State plan approved under part C. The Secretary shall provide to the State Planning Council for the State in which an applicant's project will be conducted an opportunity to review the application for such project and to submit its comments thereon.

Ante, p. 489.

(c) Payments under grants under subsection (a) may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. The amount of any grant under subsection (a) shall be determined by the Secretary. In determining the amount of any grant under subsection (a) for the costs of any project, there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which

the applicant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

(d) For the purpose of making payments under grants under subsection (a), there are authorized to be appropriated $18,000,000 for fiscal year 1976, $22,000,000 for fiscal year 1977, and $25,000,000 for fiscal year 1978.

(e) Of the funds appropriated under subsection (d) for any fiscal year, not less than 25 per centum of such funds shall be used for projects which the Secretary determines (after consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled) are of national significance.

(f) No funds appropriated under the Public Health Service Act, under this Act (other than under subsection (d) of this section), or under section 304 of the Rehabilitation Act of 1973 may be used to make grants under subsection (a).

29 USC 774.

[*Editor's note: Section 204 of PL 94-103 added provisions concerning studies and recommendations. Those provisions are set out below.*]

STUDIES AND RECOMMENDATIONS

42 USC 6010 note.

SEC. 204. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall conduct or arrange for the conduct of the following:

(1) A review and evaluation of the standards and quality assurance mechanisms applicable to residential facilities and community agencies under the Rehabilitation Act of 1973, titles I and VI of the Elementary and Secondary Education Act of 1965, titles XVIII, XIX, and XX of the Social Security Act, and any other Federal law administered by the Secretary. Such standards and mechanisms shall be reviewed and evaluated (A) for their effectiveness in assuring the rights, described in section 111 of the Act, of persons with developmental disabilities, (B) for their effectiveness in insuring that services rendered by such facilities and agencies to persons with developmental disabilities are consistent with current concepts of quality care concerning treatment, services, and habilitation of such persons, (C) for conflicting requirements, and (D) for the relative effectiveness of their enforcement and the degree and extent of their effectiveness.

29 USC 701 note.
20 USC 331 note, 871.
42 USC 1395, 1396, 1397.

(2) The development of recommendations for standards and quality assurance mechanisms (including enforcement mechanisms) for residential facilities and community

Ante, p. 502.

agencies providing treatment, services, or habilitation for persons with developmental disabilities which standards and mechanisms will assure the rights stated in section 111 of the Act. Such recommendations shall be based upon performance criteria for measuring and evaluating the developmental progress of persons with developmental disabilities which criteria are consistent with criteria used in the evaluation system developed under section 110 of the Act.

Ante, p. 502.

Ante, p. 501.

(3) The development of recommendations for changes in Federal law and regulations administered by the Secretary after taking into account the review and evaluation under paragraph (1) and the recommended standards or mechanisms developed under paragraph (2).

(b) (1) The Secretary may in consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled, obtain (through grants or contracts) the assistance of public and private entities in carrying out subsection (a).

(2) In carrying out subsection (a), the Secretary shall consult with appropriate public and private entities and individuals for the purpose of receiving their expert assistance, advice, and recommendations. Such agencies and individuals shall include persons with developmental disabilities, representative of such individuals, the appropriate councils of the Joint Commission on Accreditation of Hospitals, providers of health care, and State agencies. Persons to be consulted shall include the following officers of the Department of Health, Education, and Welfare: the Commissioner of the Medical Services Administration, the Commissioner of the Rehabilitation Services Administration, the Deputy Commissioner of the Bureau of Education for the Handicapped, the Assistant Secretary for Human Development, the Commissioner of the Community Services Administration, and the Commissioner of the Social Security Administration.

(c) The Secretary shall within eighteen months after the date of enactment of this Act complete the review and evaluation and development of recommendations prescribed by subsection (a) and shall make a report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives on such review and evaluation and recommendations.

[*Editor's note: Section 301 of PL 94-103 added provisions concerning report and study. Those provisions are set out below.* "Title I of this Act" *refers to Title I of PL 94-103 which extended and amended PL 91-517.*]

REPORT AND STUDY

42 USC 6001 note.

SEC. 301. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall, in accordance with section 101(7) of the Act (defining the term "developmental disability") (as amended by title I of this Act), determine the conditions of persons which should be included as developmental disabilities for purposes of the programs authorized by title I of the Act. Within six months of the date of enactment of this Act the Secretary shall make such determination and shall make a report thereon to the Congress specifying the conditions which he determined should be so included, the conditions which he determined should not be so included, and the reasons for each such determination. After making such report, the Secretary shall periodically, but not less often than annually, review the conditions not so included as developmental disabilities to determine if they should be so included. The Secretary shall report to the Congress the results of each such review.

Ante, p. 496.

Ante, p. 496.

(b) (1) The Secretary shall contract for the conduct of an independent objective study to determine (A) if the basis of the definition of the developmental disabilities (as amended by title I of this Act) with respect to which assistance is authorized under such title is appropriate and, to the extent that it is not, to determine an appropriate basis for determining which disabilities should be included and which disabilities should be excluded from the definition, and (B) the nature and adequacy of services provided under other Federal programs for persons with disabilities not included in such definition.

(2) A final report giving the results of the study required by paragraph (1) and providing specifications for the definition of developmental disabilities for purposes of title I of the Act shall be submitted by the organization conducting the study to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate not later than eighteen months after the date of enactment of this Act.

[Editor's note: Section 303 added provisions concerning effective date. Those provisions are set out below.]

EFFECTIVE DATE

SEC. 303. The amendments made by this Act shall take effect with respect to appropriations under the Act for fiscal years beginning after June 30, 1975.

Section III

JOINT EXPLANATORY STATEMENT OF

THE COMMITTEE OF CONFERENCE

PL 94-103

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4005) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

The House bill provides that the Act may be cited as the "Developmental Disabilities Amendments of 1975".

The Senate amendment provides that the Act may be cited as the "Developmentally Disabled Assistance and Bill of Rights Act".

The conference substitute conforms to the Senate amendment.

LENGTH OF EXTENSION

The House bill provides a one-year simple extension of existing authorities through fiscal 1975 and a two-year revision and extension through fiscal 1977.

The Senate amendment provides a five-year revision and extension from fiscal 1975 through fiscal 1979.

The conference substitute provides a one-year simple extension through fiscal 1975 and a three-year revision and extension through fiscal 1978.

AUTHORIZATIONS OF APPROPRIATIONS

The authorizations of appropriations for the House bill, Senate amendment and the conference substitute are all shown in Table 1.

The conferees did not authorize appropriations for either the National Advisory Council on Developmental Disabilities or the development of the evaluation system because both are the direct administrative responsibility of the Secretary of HEW and it is not usual practice to authorize appropriations for such responsibilities. This has the effect of authorizing appropriations of such sums as may be necessary and the conferees noted their view that the amounts included in the Senate amendment were reasonable.

TABLE I.—AUTHORIZATIONS OF APPROPRIATIONS IN THE HOUSE BILL, SENATE AMENDMENT, AND CONFERENCE SUBSTITUTE ON DEVELOPMENTAL DISABILITIES

[In millions of dollars; fiscal years]

	1975			1976			1977			1978			1979			Total		
	H	S	C	H	S	C	H	S	C	H	S	C	H	S	C	H	S	C
University affiliated facilities	(1)	25.0	(1)	12	25.0	15	15	25.0	18	(1)	25.0	21	(1)	25.0	(1)	27	125.0	54
Construction of university affiliated facilities	(2)	6.5	(2)	.....	6.5	3	.....	6.5	3	(2)	6.5	3	(2)	6.5	(2)	.....	32.5	9
Special project grants	(1)	17.5	(1)	15	20.0	18	15	22.5	22	(2)	25.0	25	(2)	27.5	(2)	30	112.5	65
State formula grants	(1)	50.0	(1)	40	85.0	40	50	95.0	50	(2)	100.0	60	(2)	110.0	(2)	90	440.0	150
National Council on Developmental Disabilities	(1)	.1	(1)	.....	.1	.....	.....	.1	.....	(2)	.1	.....	(2)	.1	(2)	.....	.5	.....
Evaluation system	(1)	.....	(2)	.....	1.0	.....	.....	1.0	.....	(2)	.....	.....	(2)	.....	(2)	.....	2.0	.....
Personal advocacy system	.....	NS	(2)	.....	NS	3	.....	NS	3	.....	NS	3	.....	NS	.....	.....	NS	9
Bill of Rights	.....	NS	(2)	.....	NS	.....	.....	NS	.....	.....	NS	.....	.....	.....	.....	.....	NS	.....
Total	.....	99.1	.....	67	137.6	79	80	150.1	96	.....	156.6	112	.....	169.1	.....	147	712.5	287

[1] Simple 1 yr extension of existing authorities.
[2] No authorizations.
[3] NS—Such sums as may be necessary.

DEFINITIONS

Development Disability

The House bill defines a "developmental disability" as a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, *dyslexia, or a neurological condition of an individual found by the Secretary to be closely related to mental retardation* or to require treatment similar to that required for mentally retarded individuals, which disability originates before the disabled individual attains age 18, has continued or can be expected to continue indefinitely, and constitutes a substantial handicap to such individual.

The Senate amendment defines a "developmental disability" as a disability which is attributable to (i) mental retardation, cerebral epilepsy, autism, or *to a severe specific learning disability; or attributable to any other condition of an individual found to be closely related to mental retardation as it refers to general intellectual functioning or impairment and adaptive behavior* or to require treatment similar to that required for mentally retarded individuals, which disability originates before the disabled individual attains age 18, has continued or can be expected to continue indefinitely, and constitutes a substantial handicap to such individual's *ability to function normally in society.*

The conference substitute defines a "developmental disability" as a disability which is attributable to (i) mental retardation, cerebral palsy, epilepsy, or autism; (ii) any other condition of a person found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or (iii) dyslexia resulting from a disability described in clause (i) or (ii), and originates before such person attains age 18, has continued or can be expected to continue indefinitely, and constitutes a substantial handicap to such person's ability to function normally in society.

In recognition of the fact that serious reading difficulties may accompany mental retardation, cerebral palsy, epilepsy, autism, or other conditions closely related to mental retardation, the Conference Committee has included dyslexia which is due to at least one of the conditions in the definition of the term developmental disability. It should be clearly understood that benefits under this Act are intended to apply only to those individuals whose dyslexia can be clearly shown to be attributable to mental retardation, cerebral palsy, epilepsy and autism. In addition, the disabling condition of the dyslexic person who qualifies under the above definition must originate before that individual reaches age 18, be expected to continue indefinitely, and constitute a substantial hardship to that individual's ability to function normally in society.

Development Disability

The House bill defines a "developmental disability" as a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, *dyslexia, or a neurological condition of an individual found by the Secretary to be closely related to mental retardation* or to require treatment similar to that required for mentally retarded individuals, which disability originates before the disabled individual attains age 18, has continued or can be expected to continue indefinitely, and constitutes a substantial handicap to such individual.

The Senate amendment defines a "developmental disability" as a disability which is attributable to (i) mental retardation, cerebral epilepsy, autism, or *to a severe specific learning disability; or attributable to any other condition of an individual found to be closely related to mental retardation as it refers to general intellectual functioning or impairment and adaptive behavior* or to require treatment similar to that required for mentally retarded individuals, which disability originates before the disabled individual attains age 18, has continued or can be expected to continue indefinitely, and constitutes a substantial handicap to such individual's *ability to function normally in society.*

The conference substitute defines a "developmental disability" as a disability which is attributable to (i) mental retardation, cerebral palsy, epilepsy, or autism; (ii) any other condition of a person found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or (iii) dyslexia resulting from a disability described in clause (i) or (ii), and originates before such person attains age 18, has continued or can be expected to continue indefinitely, and constitutes a substantial handicap to such person's ability to function normally in society.

In recognition of the fact that serious reading difficulties may accompany mental retardation, cerebral palsy, epilepsy, autism, or other conditions closely related to mental retardation, the Conference Committee has included dyslexia which is due to at least one of the conditions in the definition of the term developmental disability. It should be clearly understood that benefits under this Act are intended to apply only to those individuals whose dyslexia can be clearly shown to be attributable to mental retardation, cerebral palsy, epilepsy and autism. In addition, the disabling condition of the dyslexic person who qualifies under the above definition must originate before that individual reaches age 18, be expected to continue indefinitely, and constitute a substantial hardship to that individual's ability to function normally in society.

Specific Learning Disability

The Senate amendment, but not the House bill, defines a "specific learning disability" as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorder may include such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, or developmental aphasia, but such term does not include learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

The conference substitute conforms to the House bill.

University-Affiliated Facility

The Senate amendment, but not the House bill, defines a "university-affiliated facility" as a public or non-profit private facility which is associated with, or is an integral part of a college or university and which aids in demonstrating the provision of specialized services for the diagnosis and treatment of persons with developmental disabilities and education and training (including interdisciplinary training) of personnel needed to render specialized services to persons with developmental disabilities.

The conference substitute conforms to the Senate amendment with technical changes.

Satellite Center

The Senate amendment, but not the House bill, defines a "satellite center" as a facility of an agency or agencies associated with a university-affiliated facility that functions as a community or regional extension of such university-affiliated facility in the delivery of training services and programs to the consumers or their representatives, the designated state delivery system agency, and other service or program delivery units.

The conference substitute conforms to the Senate amendment with technical changes.

Design for Implementation

The Senate amendment, but not the House bill, defines a "design for implementation" as a document prepared by the appropriate State agency or agencies, outlining the implementation of the State plan as developed by the State Planning Council. The design for implementation is to include details on the methodology of implementation, priorities for spending, a detailed plan for the use of funds provided under the Act, specific objectives to be achieved, a listing of the programs and resources to be used, and a method of periodic evaluation of its effectiveness in meeting State plan objectives.

The conference substitute conforms to the House bill. Note that the requirement for a design for implementation is incorporated into the requirements for the State plan.

Poverty Area

The Senate amendment, but not the House bill, defines a "poverty area" as having the meaning given it in regulations of the Secretary.

The House bill does provide in its general provisions that, in determining whether an area is a poverty area, the Secretary must find that the area contains one or more subareas of poverty, the population of such subarea(s) constitutes a substantial portion of the population of the area, and the project will serve the needs of the residents of the subarea(s).

The conference substitute conforms to the Senate amendment. The conferees noted their intent that the regulations define poverty areas in the manner required by P.L. 93-641.

SPECIAL PROJECT GRANTS

The House bill authorizes the Secretary to make grants for special projects for seven listed purposes. No grant is to be made in any State which does not have a State plan approved under section 134.

The Senate amendment authorizes the Secretary to make grants for special projects and demonstrations (and research and evaluation connected therewith) for six listed purposes which differ from those in the House bill. In making project grants, the Secretary is required to consult with the National Advisory Council for Developmental Disabilities, section 119. The Secretary is required to get the approval or disapproval of the appropriate State planning council for each proposed project within 30 days after application is submitted for it.

The House bill requires funding of projects for the listed purposes from the given special project authority and from no other authority in the Public Health Service or Developmental Disabilities Act,

section 130.

The Senate amendment specifies that projects funded under the special project authority are not to be eligible for funding under section 304 of the Rehabilitation Act of 1973.

The House bill specifies that, of the funds appropriated for special project grants, not less than 30 percent are to be used for projects of national significance.

The Senate amendment, in addition to the special project authorizations described above, authorizes the Secretary to continue the provision in existing law for making grants after consultation with the National Advisory Council on Developmental Disabilities, using no more than 10 percent of the sums appropriated for allotments to the States for projects of special national significance, of which four examples are listed (differing from the purposes for special projects listed in either the House or Senate provisions).

The conference substitute combines the two provisions to authorize project grants for a list of purposes which includes all of those in either bill. It also requires consultation with the National Advisory Council, a State plan in any State receiving a project grant, review and comment on applications for project grants by State planning councils, and contains barriers to funding special projects under other parts of the Public Health Service Act, of section 304 of the Vocational Rehabilitation Act, and an earmark of not less than 25% of special project funds for projects of national significance.

With regard to the status of special projects for the developmentally disabled currently funded under section 304 of the Rehabilitation Act of 1973, the conferees intend as smooth as possible a transition in the creation of this special project authority for the developmentally disabled as discussed in the Senate Report on S. 4194, the Rehabilitation Act Amendments of 1974 (S. Rept. 93–1139) and reiterated in the Senate report on its developmental disabilities bill.

The two Acts (Rehabilitation and Developmentally Disabilities) serve different functions, and clearly persons who are developmentally disabled who are eligible under the provisions of the Rehabilitation Act are entitled to receive services and to have special projects focused on their needs under it.

It is the expectation of the Conference committee that the National Advisory Council will advise and assist the Secretary in the development of and review and comment on projects of national significance and the development of policies, procedures and priorities for the awarding of other special project grants; however, the National Advisory Council will not be expected to review intra-State projects. This responsibility will rest with the State Planning Councils.

Finally, section 117(b) of the Senate amendment provided that the Secretary may waive regulations in order to approve applications by two or more political subdivisions or public or nonprofit private agencies to combine funds from other Federal, State or local programs in order to deliver improved comprehensive services to persons with developmental disabilities if such regulations would impede the implementation of such projects. The intent of the provision of the Senate amendment was to demonstrate new methods of service delivery and to provide enough flexibility under Federal law, on a demonstration basis, so that the funds could be combined from available resources for this demonstration. The Senate recedes and agrees with the House that such comprehensive service demonstration projects shall be carried out under the special projects authority.

UNIVERSITY-AFFILIATED FACILITIES

Basic Grant Authority

The existing law, extended by the House bill without amendment, authorizes demonstration and training grants for institutions of higher education to assist with the costs of demonstration and training projects for personnel who will serve the developmentally disabled. In recent

years this provision has been used solely to support university-affiliated facilities for the developmentally disabled, section 122 of existing law.

The Senate amendment replaces the provision of existing law with a new authority for grants to university-affiliated facilities (now a defined term, see definitions, above). The university-affiliated facilities are to provide demonstration and training programs for personnel needed to render services to people with developmental disabilities, with emphasis on the ability and commitment of the programs to provide services not otherwise available to the developmentally disabled, section 102.

The conference substitute conforms to the Senate amendment with technical changes.

Need and Feasibility Studies

The Senate amendment, but not the House bill, requires each university-affiliated facility receiving a grant under this provision to conduct a study and submit to the Secretary within six months of receipt of the grant a report on:

(a) an assessment of the need for the provision of alternative community care services for the developmentally disabled in each State not served by the grant recipient in the area in which the institution is located, and

(b) a feasibility study of ways in which grant recipients can establish and operate satellite centers (a defined term, see definitions, above) in the areas described in subparagraph (a) to provide demonstration and training programs in those areas.

Studies are to be carried out in consultation with the State planning council for each State in which the study is conducted. The Secretary, subject to the availability of funds, is required to include in a grant to a university-affiliated facility an additional amount (not in excess of $25,000) to pay for the costs of such assessments and studies, section 102(a) (2) and (3).

The conference substitute contains a compromise authorizing but not requiring each university-affiliated facility to do a feasibility study of ways in which grant recipients can establish and operate satellite centers in areas not otherwise served by university-affiliated facilities. It requires such studies to be carried out in consultation with the appropriate State planning councils and authorizes the Secretary to make additional grants of $25,000 to the university-affiliated facilities which do such a study.

Grants for Satellite Centers

The Senate amendment, but not the House bill, authorizes the Secretary to make grants to university-affiliated facilities to assist in the costs of establishing and operating satellite centers (a defined term, see definitions above). Recipents of satellite center grants are authorized to contract for the operation of the centers to other qualified agencies. The non-Federal share for a satellite center grant is to be provided by the State in which the center is to be located, section 102(b).

The conference substitute contains a compromise authorizing the Secretary to make grants directly to satellite centers on terms otherwise similar to those of the Senate amendment.

The provision in the Senate amendment stating that the non-Federal share of a grant to pay part of the costs of establishing, administering, and operating a satellite center would be provided by the State in which the satellite center will be located, was deleted to remove the possibility of an incorrect assumption that the State would necessarily bear the burden of the matching costs, and to clarify that matching costs may be borne by an appropriate community entity in the area which would derive benefit from the satellite center.

Earmarking of Appropriations for University-Affiliated Facilities

The Senate amendment, but not the House bill, requires amount appropriated in fiscal year 1975 in excess of $4.25 million, but not in excess of $4.975 million, to be made available for the purpose of carry-

ing out studies and assessments required of university-affiliated facilities by section 102(a), see above. Further requires for fiscal years after 1975 that the first $4.25 million appropriated be used only for grants to university-affiliated facilities, and that one-half of any amount appropriated in excess of $4.25 million be used for grants for satellite centers, section 102(c).

The conference substitute contains a compromise requiring, in fiscal years 1976 and 1977 that the first $5 million appropriated be available for grants to university-affiliated facilities, the next $750,000 appropriated be available for grants for feasibility studies for satellite centers, and that 40 percent of any amount appropriated in excess of $5.75 million be available for grants for satellite center operation. In 1978, it requires that 40 percent of amounts appropriated in excess of $5.5 million be available for satellite center operation. The conference substitute also provides that any portion of the $750,000 set aside for grants for feasibility studies which is not required for carrying out such studies shall be made available for making grants for the administration and operation of university-affiliated facilities.

Assistance for construction of university affiliated facilities

Existing law contains provisions, which were not extended by the House bill, authorizing construction assistance for facilities which will aid in demonstrating provision of specialized care to the developmentally disabled and specifies various requirements with respect to such construction assistance, sections 121 and 123 of existing law.

The Senate amendment replaces the provisions of existing law with authority for project grants for renovation or modernization of university-affiliated facilities or their satellite centers being assisted under the Act. Such assistance is to be used only with respect to facilities which, after renovation and modernization, meet standards adopted pursuant to the Architectural Barriers Act of 1968. Priority in making grants is to be given to applicants using existing facilities. The construction grants are subject to various conditions which differ from those in existing law that:

(a) the application for assistance is to be consistent with the appropriate State development disabilities plan;

(b) the application is to be reviewed and commented on by the State Planning Council, except the Secretary may only approve an application for assistance if he finds that failure by the appropriate State planning council to comment is arbitrary, capricious, or unwarranted, sections 101 and 103.

The conference substitute conforms to the Senate amendment with technical changes.

ALLOTMENTS TO STATES

Minimum Allotments

The House bill requires a minimum allotment to each State, except for the territories, of $100,000. It eliminates from existing law requirements for pro rata increases in the minimum allotment, when appropriations exceed $60 million, in amounts proportional to the amount by which appropriations exceed $60 million, and contains no hold harmless provisions, section 132.

The Senate amendment requires a minimum allotment for each State, except for the territories, of $200,000. It amends the existing law to require a pro rata increase in the minimum allotment, when appropriations exceed $50 million in an amount proportional to the amount by which appropriations exceed $50 million, and provides that, despite the minimum allotment requirements, no State is to receive less in allotments than it did in fiscal 1974, section 112.

The conference substitute compromises by requiring a minimum allotment of $150,000, accepting the pro rata increase in minimum allotments when appropriations exceed $50 million, and including a hold harmless provision.

Earmark for Deinstitutionalization

The House bill, but not the Senate amendment, requires each State in fiscal 1976 to use not less than 10 percent of its allotment for developing and implementing plans designed to eliminate inappropriate placement in institutions of persons with developmental disabilities, and further requires each State to use 30 percent of its allotment for such purpose in years subsequent to 1976, section 132.

The conference substitute conforms to the House bill.

In earmarking 10 percent of the State's allotment in fiscal year 1976 and 30 percent in succeeding fiscal years to assist the State in developing and implementing plans (submitted pursuant to section 134(b)(20)) designed to eliminate inappropriate placement in institutions of persons with developmental disabilities, the conferees are in agreement that the development of community resources to serve previously institutionalized individuals would be an appropriate purpose for which such funds could be expended, and, where proposed, would be an integral part of any such plan and its implementation.

Administration of Grants

The Senate amendment, but not the House bill, requires the Secretary to administer grants (from allotments) in accordance with policies used generally to administer grants throughout HEW, section 112(f).

The conference substitute conforms to the House bill.

STATE PLANS

Preparation and Approval of State Plan

The House bill requires each State to prepare and submit to the Secretary a State plan for developmental disabilities. The State plan is to provide for a State planning and advisory council which is to review and evaluate the plan at least annually and submit appropriate revision and modifications of the plan, and reports to the Secretary, section 134.

The Senate amendment contains similar requirements except that the State plan is to be initially submitted within 180 days after the date of enactment of the Act, the Secretary cannot approve a State plan until the appropriate State planning council has approved the design for implementation for that plan (see design for implementation, below), and the separate requirements respecting State planning councils in the Senate amendment require that the State plan be developed and prepared by the State planning council, sections 114 and 115.

The conference substitute compromises by requiring the State planning council to supervise the development of, and approve, the State plan, which is to be prepared by the State agency.

REQUIREMENTS RESPECTING STATE PLANS

Deinstitutionalization

The House bill requires that the State plan contain a plan designed to eliminate in appropriate placement in institutions of persons with developmental disabilities, and to improve the quality of care and the state of surroundings of persons for whom institutional care is appropriate.

The Senate amendment requires the State plan to be a specific goal oriented plan, to describe how the goals are to be met, and lists, as two of the goals to be included, the reduction and eventual elimination of inappropriate institutional placement of persons with developmental disabilities and improving the quality of care, habilitation and rehabilitation of persons with developmental disabilities for whom institutional care is appropriate.

The conference substitute conforms to the House bill.

Payment of Construction Workers (Davis-Bacon)

The House bill removes from existing law requirements that the Secretary approve each individual construction project for which

State allotment funds are used and amends the State plan to require reasonable assurances that labor and mechanics employed on construction projects assisted from State allotments will be paid at prevailing rates (Davis Bacon requirements).

The Senate amendment contains similar provisions but *without* the requirements respecting payment of construction workers.

The conference substitute conforms to the House bill.

Services to Persons Unable to Pay Therefor

Existing law contains, and the House bill preserves, a requirement that facilities for the developmentally disabled constructed using State allotments meet requirements of the Secretary for furnishing needed services to persons unable to pay therefor.

The Senate amendment contains no comparable provision.

The conference substitute conforms to the House bill.

Goal Orientation of the State Plan

The Senate amendment, but not the House bill, requires that the State plan be a specific goal oriented plan including provisions designed to accomplish seven listed goals: deinstitutionalization; improvement of the quality of institutional care; screening, diagnosis and evaluation of developmentally disabled infants and children; services for developmentally disabled adults; establishment of community alternatives to institutionalization; protection of the human rights of the developmentally disabled; and interdisciplinary intervention and training programs for multi-handicapped individuals.

The conference substitute compromises by including, in the State plan requirements, requirements for provisions designed to accomplish the listed goals not already included in the State plan.

Quality, Extent and Scope of Services

Existing law contains, and the House bill preserves, a requirement that the State plan provide for furnishing of services, and facilities to persons with developmental disabilities associated with mental retardation, specify the other categories of developmental disabilities included in the State plan, and describe the quality, extent and scope of services to be provided to eligible persons.

The Senate amendment requires that the State plan describe the quality, extent and scope of services being provided or to be provided to meet the goals of the State plan (described above).

The conference substitute conforms to the Senate amendment with technical changes.

Use of Volunteers

The Senate amendment, but not the House bill, requires the State plan to provide for the maximum use of available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973.

The conference substitute conforms to the Senate amendment.

Requirement Respecting the State Planning Council

The Senate amendment, but not the House bill, requires the State plan to:

(1) provide adequate personnel for the State Planning Council to insure it has the capacity to fulfill its responsibilities;

(2) provide, to the maximum extent feasible, an opportunity for prior review and comment by the Council of all State plans in the State which relate to programs affecting the developmentally disabled;

(3) provide that personnel assigned to the Council will be solely responsible to it; and

(4) provide that all relevant information concerning any programs which may affect the developmentally disabled shall be made available by project and State agencies to the Council.

The conference substitute conforms to the Senate amendment.

Amount Available for Construction

Existing law contains a requirement, not affected by the House bill, that the State plan specify the amount of the allotment to be used for construction and that that amount may not exceed 50 percent of the State's allotment.

The Senate amendment contains similar provisions, except that the amount to be used for construction is not to exceed 10 percent of the State's allotment.

The conference substitute conforms to the Senate amendment.

Architectural Barriers

The Senate amendment, but not the House bill, requires construction projects assisted from the State allotment to comply with any standards prescribed pursuant to the Architectural Barriers Act of 1968.

The conference substitute conforms to the Senate amendment.

Evaluation System

The Senate amendment, but not the House bill, requires the State plan to provide for implementation of an evaluation system compatible with that developed by the Secretary (see evaluation system requirements, below).

The conference substitute conforms to the Senate amendment.

Protection of Employee Interests

The Senate amendment, but not the House bill, requires the State plan to provide for fair and equitable arrangements determined by the Secretary in consultation with the Secretary of Labor to protect the interests of employees affected by the State plan.

The conference substitute conforms to the Senate amendment with changes in the language to conform it to that on protection of employee interests included in P.L. 94–63.

STATE PLANNING COUNCILS

Existing law, unaffected by the House bill, requires the State plan to provide for designation of a State planning and advisory council responsible for submitting revisions of the State plan and reports required by the Secretary. The council is to review and evaluate the State plan and submit modifications of it at least annually. Existing law also requires that the council be adequately staffed and specifies requirements respecting its membership.

The Senate amendment requires, in a provision separate from the State plan requirements, that each State establish a State Planning Council to serve as an advocate for persons with developmental disabilities; to develop and prepare the State plan; approve, monitor and evaluate the implementation of the plan and submit to the Governor and the State legislature an annual report on its implementation; establish priorities for the distribution of funds for programs for the developmentally disabled; review and comment on all State plans relating to programs affecting the developmentally disabled; and submit to the Secretary, through the Governor, periodic reports on its activities. The amendment contains different requirements from existing law respecting council staffing and membership.

The conference substitute contains a compromise which requires, in a provision separate from the State planning requirements, that each State have a State planning council which serves as an advocate for persons with developmental disabilities. Members of the council are to be appointed by the Governor and the membership is to include representatives of the principal State agencies, local agencies, and non-governmental agencies and groups concerned with the developmentally disabled. At least one-third of the membership of each council is to consist of persons with developmental disabilities or their parents or guardians. The State planning councils are to:

(1) Supervise the development and implementation of the State plan required by law;

(2) Monitor and evaluate the implementation of the State plan;

(3) Review and comment on all State plans in a State which relate to programs affecting persons with developmental disabilities; and

(4) Submit to the Secretary, through the Governor, such periodic reports on their activities as the Secretary may reasonably request.

Conferees deleted provisions relating to minimum and maximum percentage of the State allotment required to be expended on staff to the State councils because this provision would have been difficult to implement across all States because they vary greatly population and State allotments. The conferees intend, however, that adequate funds from the State allotments shall be expended to provide qualified staff solely for purposes of assisting the State councils in carrying out their responsibilities and that such staff shall not have joint responsibilities to the State council and to any State agencies, but shall be responsible only to the State council.

Persons with developmental disabilities or their parents or guardians who are officers of any entity, or employees of any State agency or of any other entity which receives funds or provides services under this part may not serve on State planning councils as consumer representatives. In order to assure the minimum of disruption of ongoing functions of the State councils, the conferees expect that individuals presently serving on Councils will serve for a reasonable interim period of time after enactment until new members can be located and appointed.

Section 115(b)(2) of the Senate amendment provided that the State planning councils shall approve, monitor and implement the state plan and submit to the governors and state legislatures an annual report on the implementation of the plan. The intent of this provision of the Senate amendments was that, since the council will be appointed by the Chief Executive Officer of the State or the State legislatures, an annual report of the implementation of the responsibilities delegated to the councils should be provided to the governor and State legislatures. The Senate receded on this provision; however, it is the intent of the conferees that all reports on the activities of State councils shall be available to the Governor; State Legislature; State agencies and organizations participating in programs for the developmentally disabled and other interested groups.

DESIGN FOR IMPLEMENTATION

The Senate amendment, but not the House bill, apparently requires each State to prepare a design for implementation of the State plan (a defined term, see above). The design for implementation is to be a document prepared by the appropriate State agency outlining the implementation of the State plan as developed by the State planning council. The design for implementation is to be approved by the State planning council and the Secretary may not approve a State plan until the Council has approved the design for implementation, sections 2, 114, and 115.

The conference substitute contains a compromise requiring that the State plan include a design for implementation with the characteristics included in the definition in the Senate amendment.

EVALUATION SYSTEM

The Senate amendment, but not the House bill, requires the Secretary, in consultation with the National Advisory Council, to develop a design for a comprehensive system for the evaluation of services provided to the developmentally disabled, and a time phased plan for the implementation by the States of such system.

The system is to provide models for the development of state evaluation systems for services delivered within each State to the develop-

mentally disabled in order to evaluate the effect of the services on the lives of the disabled. It is further to be designed to provide objective measures of the progress of the developmentally disabled; objective measures of the value of living environments and associated services in promoting developmental progress in the disabled; and specific criteria which are effective and practical to use as compliance levels for operating residential and community facilities and agencies.

The Secretary is to report by February 1, 1977, to the Congress on the development of the system, is authorized to make grants and enter into contracts with outside organizations and individuals to assist in its development, and is authorized to seek appropriations for its development in 1976 and 1977 of not more than $1 million a year.

The conference substitute contains a compromise requiring the Secretary, in consultation with the National Advisory Council, to develop a comprehensive system for the evaluation of services provided to persons with developmental disabilities through programs assisted under the Act. The system is to be developed within two years after the date of enactment and then within six months after it is developed the Secretary is to obtain from each State a time-phased plan for that State's implementation of the system within two years after it is developed.

The evaluation system to be developed is to provide objective measures of the developmental progress of persons with developmental disabilities using data obtained from individualized habilitation plans; provide a method for evaluating programs providing services for persons with developmental disabilities which method uses the measures of individual progress; and provide effective measures to protect the confidentiality of records and information describing persons with developmental disabilities.

The Secretary is to report to the Congress on the system developed and the cost of its implementation within two years after the date of enactment. The Secretary is authorized to obtain by grant or contract assistance in the development of the evaluation system.

The conferees intend that the Secretary will make the evaluation system available to the States and require the States to provide within 30 months a plan demonstrating how each State will put the evaluation system into place. It is expected that the time-phased plan will be specific and specify a partial evaluation system to be implemented by the States within 30 months from date of enactment, and that the plan provided to the Secretary by each State will specify how it intends to accomplish this.

The conferees have directed the Secretary to carry out his responsibilities in developing this evaluation system in consultation with the National Council on Developmental Disabilities. It is expected that consultation will also include the State Councils since their role will be substantial in assuring the implementation of the evaluation system. In carrying out the implementation of this system within the States, it is expected that the State Councils will work with those individuals involved and knowledgeable about training of personnel, child development and the delivery of services to persons with developmental disabilities.

The Senate bill, but not the House, authorized $2 million for carrying out this provision.

The conference substitute conforms to the House bill. The conferees have directed the Secretary to carry out the development and implementation of this evaluation system, and expect him to use such funds to carry out the provision as are otherwise available to him for his overall responsibilities for evaluation and administration, and to request appropriations for such additional funds as he may find necessary.

NATIONAL ADVISORY COUNCIL

Existing law, which is unchanged by the House bill, contains a requirement that the Secretary establish a National Advisory Council

on Services and Facilities for the Developmentally Disabled. The requirement specifies the functions and membership of the Council.

The Senate amendment contains similar provisions except that:

(1) The council is named the National Council on Services and Facilities for the Developmentally Disabled.

(2) The membership is to include 16 non-Federal employees and the Deputy Commissioner of the Bureau of Education for the Handicapped, the Commissioner of the Rehabilitation Services Administration, the Administrator of the Social and Rehabilitation Service, the Director of the National Institutes of Child Health and Human Development, the Director of the National Institute of Mental Health, and 3 other representatives of the Department of HEW.

(3) The non-Federal members are to be selected from advocates in the developmental disabilities field.

(4) The Secretary is to fill vacancies on the Council within 10 days after their occurrence and is not to reappoint a member unless a year has elapsed since the end of that member's term.

(5) The council is to meet at least twice a year.

(6) The functions of the council are expanded to include monitoring the development and execution of the program and reporting to the Secretary any delay in its rapid execution; reviewing grants for special projects and projects of national significance and advising the Secretary with respect to them; reviewing the evaluation system and advising the Secretary with respect to them; reviewing the evaluation system and advising the Secretary with respect to it; and submitting to the Congress an annual evaluation of the efficiency of the administration of the program.

(7) Authorizations of appropriations in the amount of $100,000 per year are given for the council.

The conference substitute conforms to the Senate amendment except that the requirement that vacancies be filled within ten days and the authorizations of appropriations are omitted.

DECLARATION OF PURPOSE

The Senate amendment, but not the House bill, contains a declaration of purpose providing generally that it is the purpose of the Act to improve and coordinate the provision of services to persons with developmental disabilities and listing seven specific methods for achieving the purpose.

The conference substitute conforms to the House bill. The conferees noted that they felt that the declaration of purpose included in the Senate amendment was appropriate and accurately described the purposes of the Developmental Disabilities Act but did not need to be incorporated into the text of the law itself. These purposes include improving and coordinating the provision of services to persons with developmental disabilities through:

(a) Grants to assist the States in developing and implementing a comprehensive and continuing plan for meeting the needs of the developmentally disabled;

(b) Renovation and modernization of university-affiliated facilities which demonstrate the provision of services for the developmentally disabled and support demonstration and training programs in institutions of higher education;

(c) Development of regional community programs for the developmentally disabled;

(d) Support of activities which contribute to improving the condition of persons with developmental disabilities;

(e) Providing technical assistance in the establishment of services and facilities for the developmentally disabled;

(f) Training specialized personnel needed for providing such services; and

(g) Developing and demonstrating new and improved techniques for providing such services.

FEDERAL SHARE

The House bill sets a Federal share for projects assisted from State allotments of 75 percent.

The Senate amendment limits the Federal share of expenditures for construction and operation of university-affiliated facilities to 70 percent of their costs. It sets a Federal share for projects assisted from State allotments of 70 percent, unless the project serves a poverty area in which case the limit is 90 percent.

The conference substitute compromises by setting a limit on the Federal share of expenditures on projects assisted under the Act of 75 percent in all cases except for projects in poverty areas, in which case it set a limit of 90 percent.

The Senate amendment, but not the House bill, provides that the non-Federal share of a project's cost may be in kind, rather than solely in cash, and may include expenditures by organizations other than the State government receiving the State allotment.

The conference substitute conforms to the Senate amendment with respect to in-kind services and expenditures by organizations other than State governments with technical changes.

ADVANCED FUNDING

The Senate amendment, but not the House bill, authorizes appropriations authorized by the Act to be made in the fiscal year preceding the fiscal year for which they would be available for obligation. In order to effect the transition to advanced funding, it authorizes appropriations in a single year for two years.

The conference substitute conforms to the House bill.

EMPLOYMENT OF THE HANDICAPPED

The Senate amendment, but not the House bill, requires the Secretary to insure that each recipient of assistance under the Act will take affirmative action to employ, and advance in employment, qualified handicapped individuals covered under and on the same terms and conditions as set forth in the applicable provisions of the Rehabilitation Act of 1973.

The conference substitute conforms to the Senate amendment with technical changes.

WITHHOLDING OF PAYMENTS

The Senate amendment, but not the House bill, authorizes State planning councils, which find that a State agency administering funds under a design for implementation is failing to comply with the design to notify the Governor and the Secretary. Authorizes the Secretary upon receipt of such notice and after conducting a hearing to withhold payments under State allotments to that State.

The conference substitute conforms to the Senate amendment with redrafting and technical amendments.

REGULATIONS

The Senate amendment, but not the House bill, requires the Secretary to prescribe general regulations in final form applicable to all States within 90 days after the date of enactment. Requires that the regulations promulgated may be waived upon approval of an application submitted by a State for a project to be completed by two or more political subdivisions or public or nonprofit private agencies or by a combination of such. The waiver is to be given in a manner which is consistent with applicable law, to be reviewed annually, and to be published in the Federal Register.

The conference substitute requires the Secretary to prescribe regulations within 180 days of the date of enactment. It requires that the regulations provide for joint projects by two or more political subdivisions or public or nonprofit private agencies.

STUDIES BY THE SECRETARY

The House bill, but not the Senate amendment, requires the Secretary to determine, and report to Congress in six months, the conditions which should be covered as developmental disabilities, and to conduct an independent study of the appropriateness of the definition of developmental disabilities.

The conference substitute conforms to the House bill with conforming amendments to the change in the definition of developmental disabilities made by the conference substitute.

BILL OF RIGHTS FOR THE MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

The Senate amendment, but not the House bill, contains a second title providing, in general, detailed standards for the operation of programs serving the mentally retarded and other persons with developmental disabilities, including both ambulatory or community programs, and residential programs.

The conference substitute contains a compromise which specifies rights of the developmentally disabled, requires programs assisted under the Act to have individual habilitation plans for those they serve, requires the States to develop programs for protection and efficacy of the rights of the developmentally disabled, and requires the Secretary of HEW to undertake studies and make recommendations respecting appropriate standards and quality assurance mechanisms for programs serving the developmentally disabled. The compromise is drafted as a second title in the conference substitute which amends the Developmental Disabilities Act.

Statement of Purpose

The Senate amendment, but not the House bill, states the purpose of the bill of rights to be establishing standards to assure the humane care, treatment, habilitation and protection of mentally retarded and other developmentally disabled individuals who are served by residential and community facilities and agencies.

The conference substitute contains a compromise which enumerates Congressional findings respecting the rights of persons with developmental disabilities. These include findings that the developmentally disabled have a right to appropriate treatment, services and habilitation; that such treatment, services and habilitation should be designed to maximize the developmental potential of the person and be provided in the setting that is least restrictive to his personal liberty; that the Federal government and the States have an obligation to assure that public funds are not provided in programs which do not provide appropriate treatment, services and habilitation or do not meet minimum standards respecting diet, medical and dental services, use of restraints, visiting hours and compliance with fire and safety codes; and that programs for the developmentally disabled should meet appropriate standards including standards adjusted for the size of the institutions which are at least comparable to those promulgated under title 19 of the Social Security Act.

These rights are generally included in the conference substitute in recognition by the conferees that the developmentally disabled, particularly those who have the misfortune to require institutionalization, have a right to receive appropriate treatment for the conditions for which they are institutionalized, and that this right should be protected and assured by the Congress and the courts.

General Provisions

The Senate amendment but not the House bill:

(1) defines 48 different terms used in the title;

(2) requires establishment of a National Advisory Council on Standards for Residential and Community Facilities for Mentally Retarded and Other Persons with Developmental Disabilities;

(3) requires each State to provide a plan to the Secretary for assuring compliance of each program serving the developmentally disabled within the State with the standards established by the title within five years after the date of enactment;

(4) requires the Secretary to determine whether or not programs are in compliance with the statute and to report annually to the Congress on the program;

(5) authorizes appropriations of such sums as may be necessary for grants by the Secretary to the States to assist publicly operated programs in meeting the requirements of the statute;

(6) requires maintenance of effort by the States and authorizes withholding of any Federal assistance under any Act from any program which does not meet the standards after 1980; and

(7) requires the Secretary to develop and transmit to the Congress an evaluation system which will assess the adequacy of all education and training, habilitation, rehabilitation, early childhood, diagnostic and evaluation services, or any other services or assistance under all laws administered by the Secretary.

The conference substitute conforms to the House bill but includes a requirement that the Secretary of HEW make studies and recommendations to the Congress respecting appropriate standards and quality assurance programs for programs serving the developmentally disabled.

ALTERNATIVE CRITERIA FOR COMPLIANCE IN LIEU OF STANDARDS FOR RESIDENTIAL AND COMMUNITY FACILITIES AND AGENCIES

The Senate amendment, but not the House bill:

(1) requires the Secretary to specify detailed performance criteria for measuring the progress of persons with developmental disabilities;

(2) requires the Secretary to insure that every individual served by any program assisted by the Secretary has an individualized written habilitation plan and specifies characteristics of such plans;

(3) requires each agency serving any developmentally disabled individual to assign to each such individual a program coordinator and specifies requirements respecting program coordination;

(4) requires the Secretary to insure that each State establishes a system of protective and personal advocacy for the developmentally disabled and specifies requirements with respect to such systems;

(5) requires each program serving the developmentally disabled to keep such records as the Secretary may require; and

(6) specifies minimum standards which agencies meeting the performance criteria specified above must meet in addition to the criteria.

The conference substitute conforms to the House bill except that it incorporates the requirements for individual habilitation plans; a set of six specified minimum standards dealing with health safety and rights of developmentally disabled persons; and a State system of protection and advocacy of the individual rights of the developmental disabled with redrafting and technical changes.

The intention of the conference committee is that the habilitation plan be required only when the Federal assistance under this Act contributes a portion of the cost of the habilitation services to the developmentally disabled person. If, for example, the only Federal assistance received by a program is used solely to purchase a bus to transport developmentally disabled persons, then a written habilitation plan would not be required. If, on the other hand, a program to provide habilitation services to developmentally disabled individuals is supported in whole or in part by Federal funds under this Act, a written habilitation plan would be required for each program participant.

The conference committee recognizes that the six minimum standards are designed to protect the basic human needs of developmentally disabled individuals and will not in themselves ensure quality habilitation and adequate treatment programs. The committee therefore does not intend these standards to preempt or supplant any existing Federal or State standards currently in force (e.g. standards applicable to Intermediate Care Facilities for the Mentally Retarded under Medicaid), which may require more detailed or higher standards of care.

STANDARDS FOR RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

The Senate amendment, but not the House bill, specifies detailed standards for the operation of residential facilities including a chapter enumerating standards respecting each of the following: administrative policies and practices of such facilities, living arrangements for persons served by such facilities, professional and special programs and services of such facilities, records, research, safety and sanitation, and administrative support services.

The conference substitute conforms to the House bill.

STANDARDS FOR COMMUNITY FACILITIES AND AGENCIES SERVING THE DEVELOPMENTALLY DISABLED

The Senate amendment, but not the House bill, provides detailed standards for community, non-residential programs serving the developmentally disabled including a section enumerating standards respecting each of the following: case finding, entry into the service delivery system, follow-along services, individual program plans, program coordination, protective services, personal advocacy services, guardianship services, individual assessment, attention to health needs, attention to developmental needs, sensorimotor development, communicative development, social development, effective development, cognitive development, services to support employment and work, recreation and leisure services, family related services, home training services, homemaker services, respite care, sitter services, attention to needs for mobility, resource information and data documentation services, coordination, agency advocacy, community education and involvement, prevention services, manpower development, volunteer services, program evaluation, research, records, and philosophy policies and practices.

The conference substitute conforms to the House bill.

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